

SENATE BILL 1936

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 5, Part 3, relative to the Uniform  
Administrative Procedures Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-301(b), is amended by deleting the language:

An administrative judge or hearing officer shall, upon the judge's or the officer's own motion, or timely motion of a party, decide any procedural question of law.

and substituting the following:

An administrative judge or hearing officer shall decide a procedural question of law.

SECTION 2. Tennessee Code Annotated, Section 4-5-306(a)(1), is amended by deleting the language ", upon the administrative judge's or the hearing officer's own motion, or upon the motion of one (1) of the parties or such party's qualified representatives,".

SECTION 3. Tennessee Code Annotated, Section 4-5-311(a), is amended by inserting the following language after the first sentence:

The director of the administrative procedures division of the secretary of state's office may issue subpoenas on behalf of an administrative judge employed by the secretary of state.

SECTION 4. Tennessee Code Annotated, Section 4-5-312(c), is amended by deleting the subsection and substituting the following:

The administrative judge or hearing officer and agency members may, by agreement of the parties, conduct all or part of the hearing telephonically, electronically, or by audio-visual means if each participant in the hearing has an opportunity to

participate in, hear, and, if technically feasible, see the entire proceedings while the proceedings are taking place. Notwithstanding this authority, the administrative judge or hearing officer may permit the testimony of a witness by contemporaneous audio-visual transmission from a different location when the absence of the witness would otherwise cause a delay to the hearing.

SECTION 5. Tennessee Code Annotated, Section 4-5-314(g), is amended by deleting the subsection and substituting the following:

A final order rendered under subsection (a) or an initial order rendered under subsection (b) must be rendered in writing within ninety (90) days of the completion of the record as specified in § 4-5-319(b), unless the period is waived or extended with the written consent of all parties or for good cause shown.

SECTION 6. Tennessee Code Annotated, Section 4-5-317(a), is amended by deleting the subsection and substituting the following:

Any party, within fifteen (15) days after entry of an initial or final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested. A petition for reconsideration of a final order that has become a final order by operation of law when no party timely filed a petition for reconsideration of an initial order or when the petition for reconsideration of an initial order was denied is not permitted. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

SECTION 7. Tennessee Code Annotated, Section 4-5-318(d), is amended by deleting the subsection and substituting the following:

A party is not required to comply with a final order unless the final order has been mailed to the last known address of the party, the final order has been delivered by

electronic means to the last known electronic address of the party, or the party has actual knowledge of the final order.

SECTION 8. Tennessee Code Annotated, Section 4-5-319(c), is amended by deleting the first sentence and substituting the following:

A record, which may consist of a tape, electronic recording, or digital recording, must be made of all oral proceedings, except for prehearing conferences. A record of a prehearing conference may be made by any party or agency.

SECTION 9. Tennessee Code Annotated, Section 4-5-321(a)(3), is amended by deleting the subdivision and renumbering the subsequent subdivisions accordingly.

SECTION 10. Tennessee Code Annotated, Section 4-5-321(b), is amended by deleting the language "a manual of".

SECTION 11. Tennessee Code Annotated, Section 4-5-325, is amended by deleting the language "administrative law judge" wherever it appears and substituting the language "administrative judge".

SECTION 12. This act takes effect July 1, 2022, the public welfare requiring it.